


EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		Charge Presented To: _____ Agency(ies) Charge No(s): _____ <input type="checkbox"/> FEPA <input checked="" type="checkbox"/> EEOC	
Virginia Council on Human Rights and EEOC State or local Agency, if any			
Name (indicate Mr., Ms., Mrs.) Amy H. Tang		Home Phone (Incl. Area Code) (507) 884-6623	Date of Birth _____
Street Address 921 Enfield Chase		City, State and ZIP Code Virginia Beach, VA 23452	
Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)			
Name EASTERN VIRGINIA MEDICAL SCHOOL		No. Employees, Members 500+	Phone No. (Include Area Code) (757) 446-5660
Street Address 700 West Olney Rd		City, State and ZIP Code Norfolk, VA 23507	
Name _____		No. Employees, Members _____	Phone No. (Include Area Code) _____
Street Address _____		City, State and ZIP Code _____	
DISCRIMINATION BASED ON (Check appropriate box(es).) <input checked="" type="checkbox"/> RACE <input type="checkbox"/> COLOR <input checked="" type="checkbox"/> SEX <input type="checkbox"/> RELIGION <input checked="" type="checkbox"/> NATIONAL ORIGIN <input checked="" type="checkbox"/> RETALIATION <input type="checkbox"/> AGE <input type="checkbox"/> DISABILITY <input type="checkbox"/> OTHER (Specify below.)			DATE(S) DISCRIMINATION TOOK PLACE Earliest Latest 10/12/2018 12/12/2019 <input checked="" type="checkbox"/> CONTINUING ACTION
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)): <p>I am a female Asian of Chinese national origin employed by EVMS as a Professor of Microbiology and Molecular Cell Biology and I am a leading cancer researcher and teacher with national innovative awards in the field of biomedical sciences. My duties including teaching, research, supervising and directing the studies of PhD/MS/MD students, clinical and postdoctoral fellows at EVMS.</p> <p>On October 12, 2018, I reported academic and research misconduct by a PhD candidate to 4 separate EVMS offices. EVMS took no action. The misconduct continued in February 2019, and I again reported it. EVMS refused to take any action, covered it up, and punished me for reporting 5 additional and separate cases of research misconduct by the same individual. The misconduct involved: theft of my intellectual property; false claims of ownership of my original idea and novel concept; research misconduct and research misappropriation of my lab unpublished data that were/are under my complete authority, responsibility and supervision as a Principal Investigator (PI). When I protested these multiple violations, EVMS forcefully removed me, the reporting PI/research mentor, from the candidate's dissertation committee in violation of established policies, norms, and procedures. I complained that the actions were based on racism in May 2019. Ultimately, EVMS continued to misappropriate my research and issued me a letter of reprimand on May 13, 2019 for seeking to hold the candidate accountable. I grieved the disciplinary action, but EVMS denied my grievance on December 12, 2019.</p>			
I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.		NOTARY – When necessary for State and Local Agency Requirements _____	
I declare under penalty of perjury that the above is true and correct.		I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief. SIGNATURE OF COMPLAINANT _____	
Date 3-16-2020		SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)	
Charging Party Signature 			

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EXHIBIT C

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

Virginia Council on Human Rights

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

EVMS treats Caucasian, male, and non-Chinese national origin faculty better than it treats me and those in the same protected classes as me. A Caucasian, male faculty member (Dr. Patric Lundberg) engaged in sexual harassment against his PhD student, an Asian PhD trainee. This same faculty member had at least two other sexual harassment complaints by his Masters graduate student and his technician against him at EVMS. EVMS protected the faculty member and covered up his misconduct. EVMS protected another male Caucasian MNCB faculty member who was facing with one sexual harassment charges from his postdoctoral fellow with academic promotions. By contrast, I did nothing wrong but was disciplined.

EVMS has a pattern and practice of discriminating against Asian, female faculty. More than six Asian, female faculty members have left EVMS in the past several years because of the discriminatory work environment, abuses, and mistreatment. When any of us complained, they pushed, forced and threw us out. EVMS has established and fostered a hostile work environment based on race and national origin.

I was previously denied promotion on the basis of national origin, sex, race and engaged in protected activity under Title VII to protest that discrimination.

I have been discriminated against on the basis of my race (Asian), sex (female), and national origin (Chinese) and retaliated against me because of my protected activity in violation of Title VII of the Civil Rights Act of 1991, as amended, 42 U.S.C. §§ 2000, et seq.



I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY – When necessary for State and Local Agency Requirements

I declare under penalty of perjury that the above is true and correct.

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

3-16-2020

Date

Charging Party Signature

PRIVACY ACT STATEMENT: Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (5/01).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII or the ADA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

NOTICE OF NON-RETALIATION REQUIREMENTS

Please **notify** EEOC or the state or local agency where you filed your charge **if retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, and Section 503(a) of the ADA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.